

REMARKS

The applicant respectfully requests reconsideration in view of the following remarks.

Claims 1-15 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al., US 5889116 (Suzuki) in view of Dudek et al., WO 01/88615 A1 (Dudek). The applicant again respectfully traverses this rejection.

The Examiner stated at page 4, last paragraph of the final Office Action,

the photosensitive composition disclosed by Suzuki is used to prepare flexographic printing plates just as claimed by the instant application. See abstract. Further, Suzuki discloses a process for producing a flexographic printing plate by thermal development, which comprises a dimensionally [stable] substrate and a photopolymerizable relief-image forming layer. See col. 10, lines 9-26 and lines 27-56.

It is recognized Suzuki discloses in the abstract that the photosensitive composition is useful for the preparation of a flexographic printing plate. However, Suzuki relates to a photosensitive composition having improved processability and a photosensitive rubber plate capable of being washed with water at a high rate at the step of development (see "Summary of the invention"). Suzuki is completely unrelated to thermal development. The applicant is unable to find any phrase related to thermal development in the text portion cited by the Examiner, i.e. col. 10, lines 9-26 and 27-56. The entire reference is related to a photosensitive rubber plate which is developed using a developing solution — and not thermally. See also "Description of the Related Art", stating that the film-adhered photosensitive surface is irradiated with an actinic radiation so that part of the photosensitive surface is exposed to the actinic radiation, and the unexposed area is removed by washing to form a relief.

At page 5 of the final Office Action, the Examiner further argued,

Suzuki discloses imagewise exposure of the photopolymerizable layer to actinic radiation (page 10, lines 46-56), heating of the exposed flexographic printing plate to a temperature of from 40 to 200°C (example 1).

The applicant is also unable to find the text portion in example 1 stating that the exposed flexographic printing plate is heated to a temperature of from 40 to 200°C. Example 1 of Suzuki is concerned with the production of the photosensitive composition, which production includes some heating steps. The monomer mixture is heated to 50°C. The coagulated polymer is

separated and vacuum-dried at 60°C. The polymer mixture of hydrophilic copolymer, block copolymer and a liquid polybutadiene is needed at 150°C. Finally, the photosensitive composition obtained is filled in a frame mould, two polyethylene terephthalate films are applied, and the sandwiched photosensitive composition is press-formed into a sheet at a temperature of 110° to 130°C. There is no disclosure whatsoever as to thermal development of the exposed printing plate.

Thus, the Examiners assertions concerning the disclosure of the Suzuki reference are mistaken, and all further conclusions drawn there from are consequently fundamentally flawed.

The Examiner stated in the middle of page 5 of the final Office Action,

Examiner notes the instant application only claims the removal of the softened, unpolymerized parts of the relief-forming layer with formation of a printing layer in the independent claims. There is no disclosure in the independent claims that the removal of the unpolymerized parts of the relief-forming layer with formation of a printing relief could not occur by washing the unpolymerized parts with a solution.

As a matter of fact, claim 1, step (b) requires heating of the exposed flexographic printing plate to a temperature of from 40 to 200°C, and step (c) requires removal of the softened, unpolymerized parts of the relief- forming layer with formation of a printing relief. Thus, claim 1 clearly defines a thermal development process by heating, softening, and removal of the softened, unpolymerized parts, which is something completely different from the chemical development process step employing a washing solution taught by Suzuki. The applicant's claimed process is different from Suzuki's process.

The Examiner stated at the middle to the bottom of page 5 of the final Office Action,

Examiner notes Applicant states that. Applicant has *Suzuki does not suggest or hint that the photosensitive composition can be used successfully with flexographic printing plates* stated her opinion without showing any evidence that Suzuki's photosensitive composition can not be used successfully with flexographic printing plates.

However, this is taken out of context and was certainly not what the applicant stated. In the applicant's last response at page 6, first full paragraph, the applicant stated:

"[t]here is no hint or suggestion in Suzuki that the photosensitive compositions can be used successfully with flexographic printing plates **which are processed by the applicant's claimed thermal development** [emphasis added].

In item (b), at page 6 of the final Office Action, the Examiner stated,

Examiner has only added Dudek to disclose the process step of the instant application of removal of the softened, unpolymerized parts of the relief-forming layer with formation of a printing relief and the step of imagewise exposure on a digitally imageable layer through a mask.

The applicant respectfully disagrees. The applicant believes that the Examiner must add the entire thermal development step of Dudek to Suzuki in order to arrive at the claimed invention, since Suzuki is completely silent on heating the exposed flexographic printing plate and softening the unexposed parts, which would be a precondition for applying any removal step as taught by Dudek. However, applying the thermal development step as taught by Dudek to the Suzuki process would make no sense, since Suzuki teaches development of the exposed relief-forming layer by applying a washing solution. Both reference processes can simply not be combined in a meaningful manner.

The Examiners repeated the argument in item (c), at the bottom of page 7 of the Office Action and stated,

"Examiner stated the removal process aids in the printing layer to have tear resistance and internal strength"

This argument is still not understood by the applicant. Again page 16, lines 23-27 of Dudek stated:

[p]referred absorbent materials utilized to remove the uncured portions of the elastomeric layer from the cured portions of the layer are selected from absorbent materials which possess internal strength and tear resistance to temperatures up to, including and slightly beyond the melting temperature of the uncured photopolymerizable material.

Again, tear resistance and internal strength are properties of the absorbent material, and not of the printing layer.

The applicant again believes that the argument made in their last response overcomes this rejection. The applicant incorporates by reference their argument made in their last response.

In view of the above response, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13838-00005-US from which the undersigned is authorized to draw.

Dated: February 18, 2010

Respectfully submitted,

Electronic signature: /Ashley I. Pezzner/
Ashley I. Pezzner

Registration No.: 35,646
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P. O. Box 2207
Wilmington, Delaware 19899-2207
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicant